

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEADLINE TO
RESPOND TO PLAINTIFF'S COMPLAINT**

COME NOW Defendants William Szeto, Zhexian “Jane” Lin, Dana Marie Tomerlin, Padasamai Vattana, Paula Ketter, Vanessa Torres, and Windspeed Trading, LLC (altogether herein “Windspeed Defendants”) and Baymark Partners Management, LLC, Baymark ACET Holdco, LLC, Baymark ACET Direct Invest, LLC, David Hook, Tony Ludlow, Matthew Denegre, and Baymark Partners (altogether herein “Baymark Defendants”) in the above-captioned cause, and file this their Defendants’ Unopposed Motion to Extend Deadline to Respond to Plaintiff’s Complaint (herein “Motion”). Windspeed Defendants and Baymark Defendants respectfully request the Court to extend the date by which they must answer or otherwise respond to Plaintiff’s

Original Complaint by one week, from August 2, 2021 to on or before August 9, 2021, as authorized by Federal Rule of Civil Procedure 6(b).

I. INTRODUCTION

1. Plaintiff D&T Partners, LLC, successor in interest to ACET Venture Partners, LLC, (herein “Plaintiff”) filed its Original Complaint on May 21, 2021. (ECF Doc. No. 1).
2. On June 2, 2021, Plaintiff provided its Notice of a Lawsuit and Request to Waive Service of a Summons to all Baymark Defendants and all Windspeed Defendants except Defendant Vanessa Torres.
3. The Notice of a Lawsuit and Request to Waive Service of a Summons to Defendant Vanessa Torres, one of the Windspeed Defendants, was provided on June 8, 2021.
4. Plaintiff also provided the remaining Defendants Marc Cole, SG Credit Partners, Inc., Steven Bellah, and Super G Capital, LLC, with Notice of a Lawsuit and Request to Waive Service of a Summons on June 8, 2021.
5. The deadline for all Baymark Defendants and Windspeed Defendants, except for Defendant Vanessa Torres, to respond to Plaintiff’s Complaint is August 2, 2021. Fed. R. Civ. P. 4(d)(3). The deadline for Defendant Vanessa Torres and the remaining Defendants Marc Cole, SG Credit Partners, Inc., Steven Bellah, and Super G Capital, LLC to respond to Plaintiff’s Complaint is August 9, 2021. *Id.*
6. Windspeed Defendants and Baymark Defendants file this unopposed motion to extend time before the deadline to respond to provide a uniform response date for all Defendants as well as to accommodate Baymark Defendants’ counsel’s pre-existing vacation plans.
7. Plaintiff is unopposed to this Motion.

II. ARGUMENT

8. A court may grant a request to extend time for good cause. Fed. R. Civ. P. 6(b)(1)(A); *Doss v. Helpenstell*, 699 F. App'x 337, 339 (5th Cir. 2017) (“A district court’s decision to grant a request for an extension of time is reviewed only for an abuse of discretion.”).

9. As set forth above, Windspeed Defendants and Baymark Defendants seek to extend the date to answer or respond to Plaintiff’s Complaint by one week for legitimate reasons and not for purposes of delay.

10. Good cause exists for this extension. Windspeed Defendants and Baymark Defendants have not previously requested an extension of their responsive pleading deadline.

11. Windspeed Defendants and Baymark Defendants respectfully request the Court to extend the deadline to answer or otherwise respond to Plaintiff’s Complaint until on or before August 9, 2021.

12. Plaintiff is unopposed to the relief sought in this Motion.

III. PRAYER

WHEREFORE, Windspeed Defendants and Baymark Defendants respectfully request that the Court enter an order in the form filed herewith extending their deadline to answer or otherwise respond to Plaintiff’s Complaint until on or before August 9, 2021.

Respectfully submitted,

HIGIER ALLEN & LAUTIN, P.C.

By: /s/ Brenda A. Hard-Wilson

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CERTIFICATE OF CONFERENCE

Undersigned counsel certifies that counsel for Plaintiff, Jason Freemen, was conferred with via e-mail, and Mr. Freemen indicated he is unopposed to the relief sought herein via his email on June 18, 2021 with regard to Windspeed Defendants and June 30, 2021 with regard to Baymark Defendants.

/s/ Brenda A. Hard-Wilson
Brenda A. Hard-Wilson

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served on counsel of record on July 7, 2021 via the Court's CM/ECF system pursuant to the local rules of this Court.

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